

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID K. PORATH,

Plaintiff,

-v-

CITY OF NEW YORK, *et al.*,

Defendants.
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22 Civ. 1302 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On November 22, 2022 the Honorable Sarah L. Cave filed a Report and Recommendation recommending that the Court dismiss this case due to *pro se* Plaintiff's failure to comply with Court orders, and in particular due to his failure to notify the Court of changes to his address after twice being ordered to do so. Dkt. 33 at 3-6. Judge Cave correctly noted that the failure to maintain a current address with the Court is a ground for dismissal for failure to prosecute because a case cannot proceed without such information. *Id.* at 4. On January 5, 2023, after the Report and Recommendation was filed, the Court received a letter from Plaintiff updating his address. Dkt. 36. The Clerk of the Court has since mailed a copy of the Report and Recommendation to Plaintiff at his new address. *See* Dkt. 37.

While the Court determines that the Report and Recommendation was entirely correct at the time that it was filed, material circumstances changed when Plaintiff finally again appeared in this action by providing an updated address. In light of that change in circumstances, paired with the fact that Plaintiff is proceeding *pro se*, the Court will allow this case to proceed and not adopt the Report and Recommendation. Plaintiff is advised, however, that if he continues to disregard Court orders, or again fails to update his mailing address, this case may be dismissed for failure to

prosecute.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: January 26, 2023
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", written in a cursive style.

JOHN P. CRONAN
United States District Judge